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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,639	04/15/2004	James Donald Koskey JR.	KHI-0401	9016

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LAW OFFICE OF DALE B. HALLING, LLC
655 SOUTHPOINTE COURT, SUITE 100
COLORADO SPRINGS, CO 80906

EXAMINER

ROBINSON, DANIEL LEON

ART UNIT PAPER NUMBER

3742

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,639	Applicant(s) KOSKEY, JAMES DONALD	
	Examiner Daniel L. Robinson	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC f 103

obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

(a) A patent may not be obtained though the invention is not identically disclosed or described as set

forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanfield (5,371,340) in view of Feibus (5,685,257) and further in view of Raitanen et al (6,044,794) and Boulet d' Auria(U.S.Pat.5,229,581).

Stanfield discloses an animal-pet electrical heating pad 10 comprising two protecting layers 12 and 14 made of styrene-ABC and polyvinyl chloride PVC (col. 2, lines 40-67) and resistive heating wires 42 and 44 sandwiched between the two layers 12 and 14, and a transfer foil 32, but does not disclose a truncated folded circle and a fire retardant covering.

Feibus discloses a pet cushion comprising covers 12 and 30 that can be formed from a

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single sheet and folded in half (col. 4, lines 4-15) and the cushion covers 12 and 30 are fire resistant (col. 4, lines 26-40).

Raitenan and Boulet d' Auria both disclose a heater comprising a cover 14 having a shape of a truncated

circle on the sides (Fig. 1).

It would have been obvious to one having ordinary skill in the art to modify Stanfield's invention to include a fire resistant covering formed from a single sheet folded in half as taught by Feibus in order to enhance the process of making the cushion and reduce cost, also in order to protect pet from potential injuries due to heat or fire, and also the covering having a truncated shape as taught by Raitenan and Boulet d' Auria in order to better fit the pet

mat into the doghouse or as in the case of Boulet d' Auria to weld plastic cylinders..

As for claims 2 and 5, Stanfield discloses bonding - sealing of the layers 12 and 14 by waterproof adhesive, or other method could be used for bonding these layers (col. 2, lines 50-59).

As for claim 6, it would be obvious to make a width of the truncated circle 10% shorter than a radius as a matter of design choice in order to obtain result wanted by user.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanfield in view of Feibus, Boulet d' Auria and Raitenan and further in view of Graflind.

Stanfield in view of Feibus and Raitenan discloses substantially the claimed invention

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including the heat transfer foil 32, but does not disclose a second heat transfer foil.

Graflind discloses a heating pad having several heating foils 11-18. It would have been obvious to one having ordinary skill in the art to modify Stanfield's invention to include a second foil as taught by Graflind in order to better absorb heat and conserve energy as taught by Stanfield (col. 4, lines 26-32)

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new grounds of rejection.

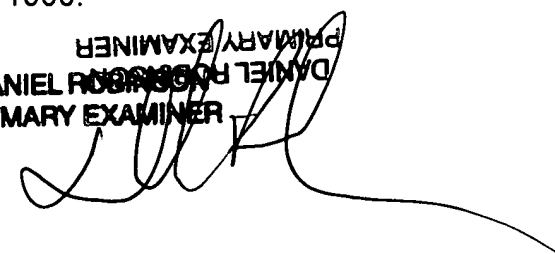
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Robinson whose telephone number is 571-272-4788. The examiner can normally be reached on m-f 5:30-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dlr


DANIEL ROBINSON
PRIMARY EXAMINER